

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MICHAEL C. LEADBETTER
and JoELLEN E. TEUSCH,

Plaintiffs,

v.

CITY OF FORT WAYNE,

Defendant.

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CAUSE NO. 1:06-CV-285-TS

OPINION and ORDER

Before the Court is the Defendant's Response to Plaintiffs' Motion for Extension of Time and the Defendant's Motion for Extension of Time to File its Dispositive Motion [DE 123], filed November 20, 2008.

The Defendant's Response and Motion states that it does not oppose the Plaintiffs' request for an extension of time to file a dispositive motion past the deadline of Friday, November 21, 2008, but that the extension should be fourteen days rather than the three months requested by the Plaintiffs. The Defendant also asks that it be allowed an additional fourteen days, or until December 4, to file its motion for summary judgment. The Defendant filed its Response after the Court had already issued its Order [DE 122] denying the Plaintiff's Motion for Extension of Time [DE 121].

In light of the fact that the dispositive motion deadline of November 21, 2008, was the deadline for the Defendant's anticipated summary judgment motion, that there is no trial set at this time, and that the Plaintiffs will not suffer prejudice from the two-week delay, the Court GRANTS the Defendant's Motion [DE 123]. This Order VACATES AND SUPERCEDES the Court's previous Order [DE 122]. Dispositive motions (from either party) are now due no later

than December 4, 2008. Responses and replies should be filed in accordance with Northern District Local Rules 7.1 or 56.1, as applicable.

So ORDERED on November 20, 2008.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT